

ELLEN F. ROSENBLUM  
Attorney General  
CARLA A. SCOTT #054725  
Senior Assistant Attorney General  
SHEILA H. POTTER #993485  
Deputy Chief Trial Counsel  
CRAIG M. JOHNSON #080902  
Senior Assistant Attorney General  
Department of Justice  
100 SW Market Street  
Portland, OR 97201  
Telephone: (971) 673-1880  
Fax: (971) 673-5000  
Email: Carla.A.Scott@doj.state.or.us  
Sheila.Potter@doj.state.or.us  
Craig.M.Johnson@doj.state.or.us

Attorneys for Defendants David Baden and Dolores Matteucci

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,  
METROPOLITAN PUBLIC DEFENDER  
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

DAVID BADEN, in his official capacity as head of the Oregon Health Authority, and DOLORES MATTEUCCI, in her official capacity as Superintendent of the Oregon State Hospital

Defendants,

and

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH LEGACY HEALTH SYSTEM, PEACEHEALTH, and PROVIDENCE HEALTH & SERVICES,

Intervenors.

Case No. 3:02-cv-00339-MO (Lead Case)  
Case No. 3:21-cv-01637-MO (Member Case)  
Case No. 6:22-CV-01460-MO (Member Case)

**UNOPPOSED MOTION TO AMEND  
SEPTEMBER 1, 2022 ORDER**

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, DAVID BADEN, Director of the Oregon Health Authority, in his official capacity, and PATRICK ALLEN in his individual capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH LEGACY HEALTH SYSTEM, PEACEHEALTH, and PROVIDENCE HEALTH & SERVICES,

Intervenors.

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY HEALTH SYSTEM; PEACEHEALTH; and PROVIDENCE HEALTH & SERVICES OREGON,

Plaintiffs,

v.

DAVID BADEN, in his official capacity as Director of Oregon Health Authority,

Defendant.

Case No. 3:21-cv-01637-MO (Member Case)  
Case No. 3:21-cv-01637-MO (Member Case)

Case No. 6:22-CV-01460-MC (Member Case)

**MOTION**

The amici Marion, Washington, and Clackamas County District Attorneys have requested that the Oregon State Hospital provide notice to the committing court when any patient is 60 days from the date when OSH must discharge the patient. ORS 161.371(5)(c) calls for 30 days' notice of such discharge. OSH is entirely willing to provide the notice requested by the District Attorneys, but the Health Insurance Portability and Accountability Act of 1996 (HIPAA) allows such disclosures only where they are "otherwise required by law," and the law currently requires 30 days' notice.

Defendants therefore respectfully ask this Court to amend Section (3)d of its September 1, 2022, Order to replace "30 days" with "60 days," such that it reads:

"Before a patient reaches this maximum duration of commitment for restoration under this Order and remains unfit to proceed, OSH shall notify the committing court of the patient's impending discharge 60 days before the date on which the hospital is required to discharge the patient pursuant to this Order."

Defendants will submit a form of proposed order.

DATED March 30, 2023.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

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*s/ Carla A. Scott*  
CARLA A. SCOTT #054725  
Senior Assistant Attorney General  
SHEILA H. POTTER #993485  
Deputy Chief Trial Counsel  
CRAIG M. JOHNSON #080902  
Senior Assistant Attorney General  
Trial Attorneys  
Tel (971) 673-1880  
Fax (971) 673-5000  
Carla.A.Scott@doj.state.or.us  
Sheila.Potter@doj.state.or.us  
Craig.M.Johnson@doj.state.or.us  
Of Attorneys for Defendants